

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DON C. LIVINGSTON,

Petitioner,

v.
PATRICK COVELLO, Warden,

Respondent.

No. 2:20-cv-0047 KJM AC P

ORDER

Petitioner is a state prisoner proceeding pro se with this habeas corpus action filed pursuant to 28 U.S.C. § 2254. Petitioner requests a copy of respondent's motion to dismiss filed March 23, 2020, because he believes his copy was discarded by staff, apparently inadvertently. See ECF No. 17. As a one-time courtesy, the court will provide petitioner with a copy of respondent's five-page motion to dismiss and two-page index of exhibits. The court will not provide copies of the exhibits which total more than 250 pages; nevertheless, the 2-page index clearly identifies the title and date of each exhibit.

Further, due to petitioner's delay in reviewing respondent's motion to dismiss, the court will extend the deadline for petitioner's response.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner's request for copies, ECF No. 17, is granted in part.

////

1 2. The Clerk of Court is directed to immediately send to petitioner: (1) one copy of
2 respondent's five-page motion to dismiss (ECF No. 12 at 1-5), and (2) one copy of respondent's
3 two-page "Notice of Electronically Lodging [sic] Documents" (ECF No. 13 at 1-2).

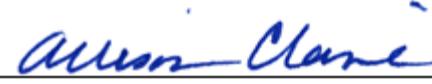
4 3. Petitioner shall, on or before Friday, July 17, 2020, file and serve his opposition or
5 statement of non-opposition to respondent's motion to dismiss.

6 4. Respondent may file and serve a reply within 14 days after the electronic filing of
7 petitioner's response.

8 5. Failure of petitioner to timely file a response to respondent's motion will result in a
9 recommendation that this action be dismissed without prejudice.

10 IT IS SO ORDERED.

11 DATED: June 15, 2020

12 
13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE

15
16
17
18
19
20
21
22
23
24
25
26
27
28